

ORIGINAL

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ANDY S.S. YIP

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SEP 01 2006  
at 1 o'clock and 10 min. M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. CR02-00225 DAE
	)	
Plaintiff,	)	DEFENDANT ANDY S.S. YIP'S
	)	MOTION TO COMPEL ELECTION
vs.	)	BETWEEN MULTIPLICITIOUS TAX
	)	COUNTS (COUNTS 7 AND 8 OF
ANDY S.S. YIP,	(01) )	SECOND SUPERSEDING
BRENDA M.O. CHUNG	(02) )	INDICTMENT); MEMORANDUM IN
	)	SUPPORT OF MOTION; DECLARATION
Defendants.	)	OF COUNSEL; EXHIBIT A
	)	

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TRIAL DATE: 11/28/2006  
JUDGE: HON. DAVID A. EZRA

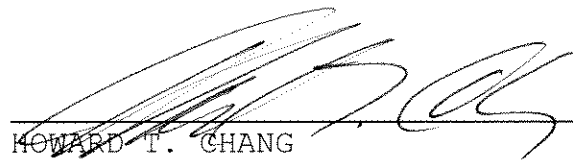
DEFENDANT ANDY S.S. YIP'S MOTION TO COMPEL  
ELECTION BETWEEN MULTIPLICITIOUS TAX COUNTS  
(COUNTS 7 AND 8 OF SECOND SUPERSEDING INDICTMENT)

Defendant Andy S.S. Yip, by and through his undersigned attorney hereby moves this Court for an Order compelling the United States Attorney to elect between Counts 7 and 8 of the Second Superseding Indictment, both of which charge Defendant with having willfully subscribed to his false 1998 income return in violation of 26 U.S.C. 7206(1). This Motion is brought pursuant to Rules 12(b)(2) and 12(b)(3)(1) of the Federal Rules of Criminal

(CERTIFICATE OF SERVICE ATTACHED)

Procedure, L.R. 7.1, Local Rules of the United States District Court of Hawaii, and is based upon the attached Memorandum In Support of Motion to Compel Election Between Multiplicitous Tax Counts, the records and files herein and on such further grounds which may be offered at the hearing on this Motion.

DATED: Honolulu, Hawaii, SEP -1 2006.



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HOWARD T. CHANG  
Attorney for Defendant  
ANDY S.S. YIP